

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

DEBRA L. VAUGHAN,

Plaintiff,

v.

**MICHAEL J. ASTRUE,
Commissioner of the Social
Security Administration,**

Defendant.

Case No. CIV-08-265-SPS

**AMENDED OPINION AND ORDER AWARDING
ATTORNEYS' FEES TO THE PLAINTIFF UNDER THE EAJA**

The Plaintiff was the prevailing party in this appeal of the Commissioner of the Social Security Administration's decision denying benefits under the Social Security Act. The Plaintiff seeks an award of attorneys' fees in the amount of \$7,673.60 and costs in the amount of \$366.47 under the Equal Access to Justice Act, 28 U.S.C. § 2412. The Commissioner indicates that he does not object to an award under the EAJA but *does* object to an award of \$7,673.60, alleging that Plaintiff's attorney has billed for duplicative and/or excessive time to perform certain tasks, *i. e.*, attorney time spent reviewing a Complaint and Return of Service documents prepared by a paralegal; time spent by a paralegal reviewing Opening Brief prepared by Plaintiff's Attorney; and attorney time spent reviewing the Commissioner's Response Brief. Accordingly, the Commissioner asks that the Court award Plaintiff attorneys' fees in the amount of \$7,244.60 and costs in the amount of \$366.47.

The Court shares the concerns expressed by the Commissioner, *e. g.*, the risk of duplicative billing when an attorney and a paralegal work on the same pleading. But the Plaintiff provides reasonable explanations for the issues raised by the Commissioner, and the difference between what the parties find reasonable is less than 6%, *i. e.*, \$429.00 divided by \$7,244.60. Consequently, the Court finds that the \$7,673.60 in attorneys' fees requested by Plaintiff *is* reasonable, and that the Commissioner should be ordered to pay it to the Plaintiff as the prevailing party herein. *See* 28 U.S.C. § 2412(d)(1)(A) ("Except as otherwise specifically provided by statute, a court shall award to a prevailing party . . . fees and other expenses . . . incurred by that party in any civil action [.]"). *See also Manning v. Astrue*, 510 F.3d 1246, 1249-50 (10th Cir. 2007), *cert. denied*, __ U.S. __, 129 S. Ct. 486, 172 L. Ed. 2d 355 (2008).

Accordingly, Plaintiff's Motion and Brief in Support for an Award of Attorney's Fees Pursuant to the Equal Access to Justice Act [Docket No. 26] is hereby GRANTED, and the Commissioner is hereby ordered to pay attorneys' fees in the amount of \$7,673.60 and costs in the amount of \$366.47 to the Plaintiff as the prevailing party herein.

IT IS SO ORDERED this 6th day of December, 2010.



STEVEN P. SHREDER
UNITED STATES MAGISTRATE JUDGE